

Chapter 24

LIBRARIES*

Art. I.	In General, §§ 24-1—24-24
Art. II.	Library Board, §§ 24-25—24-35

ARTICLE I. IN GENERAL

Sec. 24-1. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Department* means the Houston Public Library System.
- (2) *Director* means the director of the Houston Public Library System.

(Code 1968, § 25-1; Ord. No. 81-1459, § 1, 8-4-81)

Sec. 24-2. Department established.

There is hereby established a department of the city to be known as the Houston Public Library System.

(Code 1968, § 25-2; Ord. No. 81-1459, § 1, 8-4-81)

Sec. 24-3. Director generally.

There is hereby established the office of director of the Houston Public Library System. The director shall be the head of the department and shall be appointed by the mayor subject to confirmation by the city council.

(Code 1968, § 25-3; Ord. No. 81-1459, § 1, 8-4-81)

Charter reference—Appointment of heads of administrative departments, Art. VI, § 7a.

Cross reference—Officers and employees generally, § 2-21 et seq.

Sec. 24-4. Duties of director.

It shall be the duty of the director to direct, control and manage all libraries, bookmobiles, reading and study centers and other facilities placed under the control of the department by the mayor and city council.

(Code 1968, § 25-4; Ord. No. 81-1459, § 1, 8-4-81)

Sec. 24-5. Rules and regulations.

(a) The director shall have authority, subject to the approval of the mayor and city council, to prescribe rules and regulations for the administration of the department and for the orderly government and use of the library system, provided, that such regulations shall not conflict with valid laws or ordinances. A copy of such rules and regulations shall be maintained for public inspection in each library within the system, in the office of the director and in the office of the city secretary.

(b) The director and all other employees of the department are hereby individually and severally authorized and directed for and on behalf of the city to notify any person who fails or refuses to comply with any applicable provision of law or of departmental rules and regulations to depart from any city property or building under the control of the department. Any such person who upon such notice fails to depart from any such property or building shall be subject to prosecution under Section 30.05 of the Texas Penal Code for criminal trespass in addition to prosecution for any other crime that he may have committed thereupon.

(Code 1968, § 25-5; Ord. No. 81-1459, § 1, 8-4-81)

Sec. 24-6. Use of library system; cards; change of address.

(a) No fee shall be imposed for the issuance of a borrower's card to any resident of the State of Texas.

(b) It shall be the duty of each person who holds a library borrower's card issued by the department to notify the department of any change of his residence address within five days after the change.

(Code 1968, § 25-6; Ord. No. 81-1459, § 1, 8-4-81; Ord. No. 83-1228, § 1, 8-9-83; Ord. No. 91-671, § 1,

***Charter reference**—Authority to own, operate, etc., library, Art. II, § 7a.

Cross references—Boards and commissions generally, § 2-316 et seq.; dogs in buildings under management of library board, § 28-31; parks and recreation generally, Ch. 32.

5-15-91; Ord. No. 98-514, § 1, 6-24-98; Ord. No. 99-813, § 1, 7-28-99; Ord. No. 01-1039, § 1, 11-14-01)

Sec. 24-7. Overdue or lost books and other materials.

(a) Civil overdue fees in the amounts established pursuant to section 24-8 of this Code are imposed and shall be collected by the department upon the failure of any borrower to return any book, audiovisual material, or other item that was loaned by the department to the borrower by the due date established therefor upon the loan or renewal loan of the item. Items that are deposited in the self-service return receptacle at any department facility after closing hours or on any day on which the facility is not open to the public shall be deemed to have been returned to the department on the last preceding day on which the facility at which the self-service return receptacle is located was open to the public. Items returned by mail or other carrier service shall be deemed returned upon the date of deposit with the carrier as evidenced by the carrier's postal mark or other receipt date affixed thereon, provided that if no legible postal mark or receipt date was affixed by the carrier then the return date shall be the date of delivery thereof to the department.

(b) Pursuant to section 24-5 of this Code, the director may establish regulations relating to complex audiovisual materials, including but not limited to audiocassette books and compact discs, for the purpose of determining the number of items contained therein for application of the aforesaid civil fines.

(c) A replacement fee is hereby imposed and shall be collected by the department for the loss by any borrower of any book or audiovisual material or other circulated item in an amount equal to the publisher or manufacturer's current suggested list price of the item at the time of payment for the loss. The list price of a substantially equivalent item shall be utilized if an exact replacement of the lost item is no longer available. In addition to the replacement fee, there are hereby imposed processing fees in the amounts established pursuant to section 24-8 of this Code for each item that is lost to defray processing costs

for the purchase of the replacement item. In addition to the replacement and processing fees, the civil overdue fees, as provided in subsection (a) of this section above, shall be applicable through the day of payment if the borrower fails to report the loss and pay the loss fee specified in this subsection on or prior to the return date established for the lost item.

(d) No person who is indebted to the city for any fine or fee imposed by or pursuant to this section shall be permitted to borrow any item circulated by the department or be issued any renewal or replacement library card until such fine or fee has been fully paid.

(Code 1968, § 25-7; Ord. No. 81-1459, § 1, 8-4-81; Ord. No. 83-1228, § 2, 8-9-83; Ord. No. 91-1179, §§ 1, 2, 8-14-91; Ord. No. 01-357, § 1, 4-25-01)

Sec. 24-8. Fees and services.

(a) The fees for overdue library items and processing of replacement of library items, as referenced in section 24-7 of this Code, shall be in the amounts established from time to time by motion duly adopted by city council.

(b) The department is authorized to offer various services for the convenience of its patrons including, but not limited to, self service and staff assisted copying, self serve and staff media printing, staff facsimile transmission, staff reference research, materials reservations, and parking in the Jesse Jones Library garage. The fees for those

services shall also be in the amounts established from time to time by motion duly adopted by city council.

(Code 1968, § 25-8; Ord. No. 81-1459, § 1, 8-4-81; Ord. No. 83-1228, § 3, 8-9-83; Ord. No. 91-1179, § 3, 8-14-91; Ord. No. 01-357, § 2, 4-25-01)

Sec. 24-9. Handling of fees.

The director shall cause all fines and fees collected by the department pursuant to this chapter to be promptly remitted to the city controller.

(Code 1968, § 25-9; Ord. No. 81-1459, § 1, 8-4-81)

Sec. 24-10. Inventory.

The director shall cause an inventory to be maintained of all books and other library materials and equipment of the department.

(Code 1968, § 25-9.1; Ord. No. 81-1459, § 1, 8-4-81)

Sec. 24-11. Neglect to return books, etc.

Every person who shall borrow from the department any book, audiovisual material or other circulated item, and neglect to return or, if lost, make payment of the applicable loss fee therefor, within 15 days after the date of receipt of a written notice of demand for return thereof shall be deemed guilty of a misdemeanor. A notice mailed to the person's residence address as set forth on the person's library card application shall be deemed to have been received by the person upon the third regular postal delivery day after its deposit in the United States mail, provided it is an affirmative defense to prosecution under this section that the person did not, in fact, receive the notice. It shall not be a defense to prosecution under this section that the person charged was acting without a culpable mental state.

(Code 1968, § 25-9.2; Ord. No. 81-1459, § 1, 8-4-81)

Sec. 24-12. Reserved.

Editor's note—Ord. No. 01-357, § 3, adopted April 25, 2001, repealed § 24-12 in its entirety. Formerly, said section pertained to parking fees for Jesse Jones garage. See the Code Comparative Table.

Secs. 24-13—24-24. Reserved.

ARTICLE II. LIBRARY BOARD*

Sec. 24-25. Library board created.

There is hereby created the Houston Library Board, hereinafter called "the library board."

(Code 1968, § 25-10; Ord. No. 77-631, § 1, 3-29-77)

Sec. 24-26. Composition; appointment and terms of members; filling of vacancies.

(a) The library board shall, in addition to the ex officio members hereinafter provided for, consist of 19 members to be nominated by the mayor and confirmed by the city council. One membership position may, but need not, be occupied by a nonresident of the city.

(b) The terms for members of the library board shall be two years.

(c) The mayor and the superintendent of the Houston Independent School District shall be at all times ex officio nonvoting members of the board by virtue of their offices.

(d) In the event of the death or resignation of any member of the library board prior to the expiration of such member's terms of service, the mayor shall nominate and the council shall confirm a successor who shall serve out the unexpired term and enter upon the duties of a member at the next regular monthly meeting of the board. (Code 1968, § 25-11; Ord. No. 77-631, § 1, 3-29-77; Ord. No. 77-1829, § 1, 9-20-77; Ord. No. 05-117, § 1, 2-2-05)

Sec. 24-27. Reserved.

Sec. 24-28. Compensation of members; conflicts of interest.

Members of the library board shall serve without compensation from the city or any firm, trust, donation or legacy to or on behalf of the city; provided, however, that a member of the board, or the firm, company or corporation with whom the

***Cross reference**—Boards, commission, authorities, etc., § 2-316 et seq.

member is associated shall not be precluded from receiving compensation from the city under any contract for services rendered which have no relation to the member's duties as a member of the board. Members of the board shall abstain from voting upon matters in which they have or may have a conflict of interest, and officers and members of the board shall not participate in any activity of the corporation in which they have or may have a conflict of interest. In the event it is found necessary, for the better performance of any of their several duties, for any member, or committee of members of the board, to make any trips on behalf of the library, their actual traveling and living expenses shall be paid. Full and detailed vouchers of such expenses shall be filed and preserved.

(Code 1968, § 25-12; Ord. No. 77-631, § 1, 3-29-77)

Sec. 24-29. Officers and meetings.

The library board shall organize by electing from their membership a chairman, a vice-chairman, a secretary and a treasurer, each of which officers shall hold office for one year, or until their successor shall have been elected and qualified. The board may adopt such administrative procedures as are necessary or convenient to accomplish the purposes set out in this article. Ten voting members present shall constitute a quorum. The director shall schedule a board meeting every month.

(Code 1968, § 25-13; Ord. No. 81-1459, §§ 2, 3, 8-4-81; Ord. No. 05-117, § 2, 2-2-05)

Sec. 24-30. Unexcused absence of members.

Whenever a member of the board has accumulated four absences within a year, without leave of absence granted by the board for good cause, the secretary of the board shall notify the chairman of the board, whose duty it shall be to certify the facts to the mayor and city council. Any such member shall cease to be a member of such board and shall create a vacancy on such board, as if by death or resignation, and a successor shall be elected as provided in subsection (d) of section 24-26 in case of death or resignation, who shall enter his duties at the next regular monthly meeting of such board.

(Code 1968, § 25-14; Ord. No. 77-631, § 1, 3-29-77)

Sec. 24-31. Purposes.

The purposes of the library board shall be to:

- (1) Solicit funds, gifts, and bequests for library acquisitions, additions and improvements.
- (2) Review and make advisory recommendations to the mayor and city council on the acceptance of gifts of real estate, art objects, and items of similar nature. Review and make advisory recommendations to the mayor and city council on any proposed physical additions and improvements to be paid for with city funds.
- (3) Review and make recommendations on library department matters submitted to it by the director of the library department, or by the mayor and city council.
- (4) Manage and invest and oversee the management and investment of funds, gifts, and bequests donated for library purposes and held in special trust accounts set up by the board for these purposes or invested by the board.

(Code 1968, § 25-15; Ord. No. 77-631, § 1, 3-29-77)

Sec. 24-32. Additional powers.

(a) The library board may cooperate with any trust created for a purpose similar to that of the board as set out in paragraph (4) of section 24-31 of this Code. In addition the board may contract for financial management and investment services and may pay the reasonable fees therefor from funds, gifts, bequests and income therefrom, unless it be contrary to the provisions of the grant.

(b) Whenever funds are given to the Houston Public Library for a specific purpose, the board may exercise its sole discretion on how that purpose is accomplished; provided, however, if construction of public improvements on city-owned property is involved, it shall be executed in compliance with the competitive bid laws of the state and the charter of the city.

(c) The board may seek removal of any trustee of a trust established to benefit the libraries of the city, by instituting appropriate action in the dis-

strict court on at least 90 days written notice (unless waived by the trustee) to such trustee. Any removal notice must be actually received by the trustee being removed, must contain the appointment of a successor trustee and the acceptance of the successor trustee endorsed on it. Any successor trustee appointed to act shall be a bank with trust powers or a trust company, either state or national, located in the city with a combined capital and surplus of at least \$10,000,000.00.

(Code 1968, § 25-16; Ord. No. 77-631, § 1, 3-29-77)

Charter reference—Bids generally, Art. II, § 19.

Sec. 24-33. Financial records.

The financial books and records of the board shall be open to inspection and audit during regular business hours by authorized representatives of the city, or by independent certified public accountants employed by the city, or by board members themselves. Similarly, the financial books and records of any trust created for the benefit of or to cooperate with the library board, shall be open to inspection and audit.

(Code 1968, § 25-17; Ord. No. 77-631, § 1, 3-29-77)

Sec. 24-34. Annual financial report.

The library board shall make an annual financial report to the mayor, city council and the city comptroller.

(Code 1968, § 25-18; Ord. No. 77-631, § 1, 3-29-77)

Sec. 24-35. Fidelity bond.

Each library board member shall furnish to the city a fidelity bond in the amount of \$10,000.00, provided, the premium therefor shall be paid by the city and provided further this requirement may be satisfied by amendment to the city's blanket fidelity bond for city employees so as to authorize inclusion of the library board members.

(Code 1968, § 25-19; Ord. No. 77-631, § 1, 3-29-77)